

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHARLIE THORNTON,)	
Plaintiff,)	
)	CIVIL ACTION NO.: 05-10210-RGS
v.)	
)	
UNITED PARCEL SERVICE, INC.,)	
Defendant.)	

MOTION IN LIMINE TO EXCLUDE EVIDENCE OF DRUG USE

Now comes the Plaintiff, Charlie Thornton, and hereby moves this Court to prohibit counsel for the Defendant from admitting any evidence of the use of painkillers and to order counsel to instruct his witnesses not to mention any such evidence. As grounds therefore, the Plaintiff states that the evidence is irrelevant to the issue of whether the Defendant violated the Americans with Disabilities Act. See Fed. R. Evid. 401. Moreover, it would be an improper attack on his character. See Fed. R. Evid. 404.

WHEREFORE, the Plaintiff respectfully requests that this Court prohibit any mention of this evidence.

Respectfully Submitted,
Charlie Thornton
By his attorneys

DATED: February 4, 2008

//s// Michael Tumposky
Stephen Hrones
BBO No. 242860
Michael Tumposky
BBO No. 660618
Hrones, Garrity & Hedges
Lewis Wharf –Bay 232
Boston, MA 02110
(617) 227-4019

LOCAL RULE 7.1 CERTIFICATION

Undersigned counsel certifies that the parties have conferred and have attempted in good faith to resolve or narrow the issue.

//s// Michael Tumposky
Michael Tumposky

CERTIFICATE OF SERVICE

I, Michael Tumposky, hereby certify that, on this the 4th day of February, 2008, I served a copy of this document, where unable to do so electronically, by first-class mail on all counsel of record in this matter.

//s// Michael Tumposky
Michael Tumposky